

IN RE:	:	
EUGENE GREENLIEF	:	
	:	CHAPTER 13
Debtor	:	
	:	CASE NO. 5:18-bk-04623 JJT
EUGENE GREENLIEF	:	
	:	
Plaintiff	:	
Vs.	:	
	:	
Trinity Financial Services, LLC.	:	
Defendant	:	
	:	

1. The Plaintiff, Eugene Greenlief, filed his voluntary Chapter 13 Petition on October 31, 2018.
2. The Chapter 13 Plan has not been confirmed by the Court.
3. The Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §1334 and 157(b). This is a core proceeding.
4. The Debtor believes that the value of his home is \$172,000.00 based upon an appraisal by James G. Wilkins Real Estate Broker Appraiser. A copy of the appraisal dated October 16, 2018 is attached to this Complaint as Exhibit A.
5. The Defendant, Trinity Financial Services, LLC., holds a purported second mortgage lien of the Debtor's residence at 1129 Woodland Drive, East Stroudsburg, PA 18301, Monroe County, Pennsylvania (f/k/a 33 Woodland Drive, East Stroudsburg, PA

18301) via Assignment of Mortgage dated March 9, 2016 and recorded January 9, 2017 at Monroe County Record Book 2484 Page 7757.

6. The Defendant has not filed a Proof of Claim and the claims bar date has not passed.

7. The first mortgage on the premises, in favor of Deutsche Bank National Trust Company is recorded in Monroe County Record Book 2253 at Page 5796. The Mortgage is dated December 30, 2005 in the amount of \$222,400.00

8. The first lien holder filed a Proof of Claim on November 12, 2018 in the amount of \$256,885.97.

9. Pursuant to U.S.C. §506(a), only the first mortgage of Deutsche Bank National Trust Company operates as a secured lien against the Plaintiff.

10. Due to the value of the Debtor's real property, the second mortgage of the Defendant is allowable only as an unsecured claim. See In Re Castellanos.

11. The Debtor's plan proposed to treat the second mortgage of the Defendant as an unsecured claim.

WHEREFORE, the Debtor respectfully requests that Your Honorable Court order as follows:

- a. Value the interest of the Second Mortgage of the Defendant as an allowed unsecured claim, and not as a secured claim.
- b. Value the residential real estate of the Debtor at \$172,000.00
- c. Order that the Defendant files a satisfaction piece with the Monroe County Recorder of Deeds, Stroudsburg, Pennsylvania to satisfy of record the purported second mortgage of Trinity Financial Services, LLC. via

Assignment of Mortgage dated March 9, 2016 and recorded January 9, 2017
at Monroe County Record Book 2484 Page 7757.

d. Grant other relief as may be necessary and proper under the law.

DATED: 11/21/2018

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